

MINUTES
STATE ELECTRICAL WORK EXAMINING BOARD

The meeting of February 13, 2004 was called to order by Laurence A. Vallieres, Chairman, at 8:30 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: Laurence A. Vallieres, Contractor, Chairman
Beverly A. Ceuch, Journeyman
Jack B. Halpert, Public Member
Roger L. Johnson, Jr., Journeyman
Kenneth B. Leech, Journeyman
Michael Muthersbaugh, Electronic Technician
Douglas A. Reid, Journeyman
Raymond A. Turri, Contractor

Members Absent: Lewis J. Stanio, Contractor

Member Vacancy: This Board currently has the following vacancies:
Three (3) Public Members, One (1) Contractor

Board Counsel Present: None

DCP Staff Present: Richard Hurlburt, Director of Occ./Pro. Licensing Division
Anthony Santoro, DCP Administrative Attorney
Judith R. Booth, Electrical Board Secretary

Others Present: Noel Wehner, AMR Project Manager
David Scott, Manager – Northeast Utilities Meter Engineering
Robert Tworkowski, Electrical Contractor
Antoinette Tworkowski, Visitor

The next meeting of this Board is scheduled for March 12, 2004, at 8:30 a.m. in Room 117.

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Director Richard M. Hurlburt at (860) 713-6135.

Review of the Electrical Board Minutes:

1. The January 9, 2004 Minutes were tabled to the March meeting. Board Secretary Booth will review the tape of the January 9, 2004 meeting to locate a motion said to be made concerning contractor Kurt Claywell.

Appearing Before the Board Today:

1. Noel Wehner, AMR Project Manager for Northeast Utilities and Dave Scott, Manager, Meter Services for Northeast Utilities

Mr. Wehner and Mr. Scott were present to address the Board's concerns regarding Northeast Utilities' recent bid/RFQ for meter installation. Mr. Wehner and Mr. Scott were advised by the Board to select licensed contractors to perform the work, citing a former Board ruling made on June 9, 1995, which stated:

2. *Replacement of three phase meters with bypass and current transformer wiring connections.*

Board voted licensing is required. D.P.U.C. regulated employees would be exempt.

3. *Metering of domestic hot water heater by replacement of radio transmitter on water heater and performing wiring connection at water heater location.*

Board voted licensing is required. D.P.U.C. regulated employees would be exempt.

The Board reviewed the following documents pertaining to this issue:

- February 2, 2004 Notice to Appear letter from Board Secretary Booth to Mr. Wehner.
- Section 6, Appendix B, Procedure for Changing Single-Phase/Three-Wire Network Residential Self-Contained Meters
- CL 1-6 Self-Contained Demand Meters by Town
- Electrical Work Examining Board's June 9, 1995 ruling on this issue. (Please reference the top of page 2 of this document)

Comments or Concerns of Any Person Present Today:

There were no comments or concerns addressed to the Board.

Applicants for Licensure Examination:

None

Applicants for Licensure Appearing in Person:

None

CHRO Applicants for Licensure:

None

Prior CHRO Applicants for Licensure Pending Decision:

None

CHRO Renewal of Licensure :

1. Anthony Izzo E-1

Director Richard Hurlburt did not present this renewal application to the Board, because he did not process the application himself. The application was not reviewed and Mr. Izzo's folder was returned to Howard Osden, Supervisor in the Occ/Pro Division.

Prior CHRO Request for Renewal of Licensure Pending Decision:

None

CHRO Request for Reinstatement of Licensure:

None

Prior CHRO Request for Reinstatement of Licensure Pending Decision:

None

Request for Re consideration:

None

Request to Suspend:

None

Stipulation and Settlement Agreement Containing Consent Orders:

None

Stipulation Containing Consent Order Previously Heard:

1. Arnco Sign & Crane Service Docket Numbers 02-876 and 02-877

The Board was notified that this stipulation has been deferred since November 2003.

This matter was tabled until Attorney Anthony Santoro could provide additional information in this matter, and establish if this company was ever before them in the past. Additionally, the Board requested Attorney Anthony Santoro to revise the language in specific areas of the document.

No motion was made to this effect.

Settlement Containing Consent Order:

1. Peter Particelli Docket Number 03-1362

This matter was tabled until Attorney Anthony Santoro could revise the language in specific areas of the document.

No motion was made to this effect.

Notice of Continuance :

None

Request to Dismiss and Request to Dismiss Without Prejudice:

Request to Dismiss:

None

Request to Dismiss without Prejudice:

None

Request to Revise:

None

Request to Reopen:

None

Commissioner's Advisories and Recommendations:

None

Review of PSI Examination Results:

The Board reviewed the PSI Examination results covering dates January 1, 2004 through January 31, 2004.

Correspondence :

1. A draft authored by Director Richard Hurlburt regarding "Control and Data Acquisition Signal and Communication Systems" as it pertains to Chapters 393 and 394.

This document was a draft written and submitted by Director Richard Hurlburt as an FYI to the Board. It concerned in-house antenna systems and that licensed electricians should be allowed to perform this work. Director Hurlburt said he would continue to better define its meaning, but the Board considered this document to be worded correctly, because it reflects the transmission of signal by the use of the word "transmits" within the definition of Chapter 393.

2. Connecticut Clean Energy Fund Photovoltaic Program RFP # CCEF-PV-03-002

This document was submitted by Director Richard Hurlburt as an FYI to the Board. The Board reviewed the document and stated that the work requires a license the moment the material is delivered to the jobsite.

Legal Department's Tracking Report:

None

New Business:

1. Board Member Michael Muthersbaugh provided a handout, "Big Chain Retailer Offers High-def DirecTV Packages". The advertisement shows the store Best Buy as offering a package which includes a satellite dish, off-air antennas and installation. Board Member Michael Muthersbaugh asked the Department to write a letter similar to Sears informing them of Connecticut's licensing laws.

Director Richard Hurlburt said that he would like to visit a Best Buy to investigate this issue prior to writing the letter. Director Richard Hurlburt said he would report back to the Board with his findings.

2. Chairman Laurence Vallieres addressed the Board by saying that during an Electrical Inspectors' meeting hosted by Bob Nuzzi, State Electrical Inspector, one of the local building inspectors raised a question to him after the meeting, asking if the exemption of a trade license to single-family homeowners performing their own electrical, heating and plumbing work extended to condominium and townhouse owners. The inspector was referencing a prior communication that he received from the State Building Inspector that was based on prior discussions held by this board. Chairman Vallieres responded that condo and townhouse owners doing work on their unit raises a concern, because of firewalls that exist in these buildings which the homeowner is not normally familiar with and in many instances common life safety systems such as fire alarms that are also part of the infrastructure of the overall building. Should firewalls be penetrated or any life safety systems accidentally be tampered with, and a fire ever develop, the effect on adjoining home owners could result in personal and property damage or even worse a fatality. Chairman Vallieres concluded by saying that in his opinion, unless the Board disagrees, the repairs such as changing a light fixture, changing a light switch, or installing a dimmer switch in place of a light switch is work that the homeowner could do if done by the homeowner; however, any new installation of electrical work, that likewise would require a permit from the local authority, would need to be performed by a properly licensed person. If the condominium or townhouse is a single stand alone structure not connected to any other dwelling unit, the homeowner would be allowed to perform his/her own electrical work without a license based on the exemption of the law.

The Board agreed with Chairman Vallieres and requested that Director Richard Hurlburt forward a letter of clarification on behalf of the Electrical Work Examining Board to the State Building Official, Christopher Laux, and request that he distribute this letter to all the local building officials.

Director Richard Hurlburt commented that the only way a single-family owner can get the exemption is by pulling a permit and having a building inspector inspect the work upon its completion; otherwise, the work is being performed illegally.

3. Board Member Michael Muthersbaugh asked for status report on a complaint against Halsted Communications, which was submitted over a year ago.

The Board asked Director Richard Hurlburt to look into this matter.

Old Business:

1. September 29, 2003 article from CableWorld concerning "Sears Preps Sales Staff for Rollout of Voom Service".

At the December 12, 2003 and January 9, 2004 meetings, the Board requested that the Department issue a letter to Sears informing them of Connecticut's licensing laws.

The Board reviewed letters issued to Mr. Alan Lacy, CEO, Sears, Roebuck & Company, and to Mr. Charles Dolan, Chairman of Cablevision Systems. Board Member Michael Muthersbaugh asked if a response was received by the Department and Director Richard Hurlburt replied, "No".

2. Concerns regarding the high failure rate reflected in the PSI Examination Results for December 2003.

At the January 9, 2004 meeting, the Board requested that Director Hurlburt work with PSI to perform a sampling as to why nearly half of all examinees failed the December 2003 examination.

The Board referenced correspondence from Marty Persampieri of PSI Examination Company to Director Richard Hurlburt regarding CT E-2 Examination Statistics. Additionally, Director Richard Hurlburt went over information regarding the outcome of his investigation as to why the December failure rate was extremely high.

The Board asked Director Richard Hurlburt to notify Marty Persampieri that they agreed with his suggestion to wait until at least the end of February before making any decisions or taking any action based on candidate performance on the revised exam.

3. **Status Report:** At the November 14, 2003 meeting, Board Member Lewis Stanio provided a copy of a document "White Paper In Opposition to: Amendments Proposed by the Electrical Work Examining Board to CT General Statutes Section 20-340(4) and CT General Statutes Section 20-330(2)". The document is in direct opposition to the Board's "Proposed Legislative Changes to Chapters 393 and 394" submitted to former Consumer Protection Commissioner, James Fleming, for approval in August 2003.

Chairman Laurence Vallieres advised the Board that he will be arranging an appointment this month with Commissioner Edwin Rodriguez and will report back to the Board at next month's meeting.

Postponed Formal Administrative Hearings:

None

Formal Administrative Hearings:

1. In the matter of Thomas Scanlon Docket No. 03-636

Pursuant to the provisions of Sections 4-166 et seq., 20-334, 20-341, 21a-7 and 21a-9 of the Connecticut General Statutes, the State Electrical Work Examining Board, having reason to believe that **Thomas Scanlon**, hereinafter referred to as Respondent, has violated the provisions of Sections 20-334, 20-341 and 21a-9 of the Connecticut General Statutes, and Sections 20-332-16 and 20-332-18a of the Regulations of Connecticut State Agencies, hereby issues its Complaint stating its charges as follows: PARAGRAPH ONE: At all times relevant herein, the Respondent, **Thomas Scanlon**, resided and or engaged in business in New Britain, Connecticut. PARAGRAPH TWO: Respondent is and has been the holder of an unlimited electrical contractor's license, number ELC. 103163, type E-1. PARAGRAPH THREE: On or about October 24, 2001 the Respondent caused electrical work to be performed by persons who were not licensed or registered in accordance with Chapter 393 of the Connecticut General Statutes on a job site located at Manchester Community College, 60 Bidwell Street, Manchester, Connecticut. PARAGRAPH FOUR: Pursuant to Section 4-182(c) of the Connecticut General Statutes, the Respondent on or about June 25, 2003, was given an opportunity to show compliance with all lawful requirements for the retention of his license.

Conclusion:

The Board found the respondent guilty of the violations cited in the complaint.

Finding of Facts:

Board Member Jack Halpert made a motion to issue an Immediate Order of Discontinuance and a Civil Penalty of \$2,000.00, \$1,000.00 each for causing two people who were not licensed or registered, William Herlth and Michael Dinnie, to perform electrical work. The motion was seconded by Board Member Douglas Reid. The motion carried unanimously.

2. In the matter of William J. Herlth Docket No. 03-639

Pursuant to the provisions of Sections 4-166 et seq., 20-334, 20-341, 21a-7 and 21a-9 of the Connecticut General Statutes, the State Electrical Work Examining Board, having reason to believe that **William J. Herlth**, hereinafter referred to as Respondent, has violated the provisions of Sections 20-334 and 20-341 and 21a-9 of the Connecticut General Statutes, and Sections 20-332-16 and 20-332-18a of the Regulations of Connecticut State Agencies, hereby issues its Complaint stating its charges as follows: PARAGRAPH ONE: At all times relevant herein the Respondent, **William J. Herlth**, engaged in business and or resided in South Windsor, Connecticut. PARAGRAPH TWO: Respondent is and has been the holder of an unlimited electrical license, number 181968, type E1. Said license expired on September 30, 2000. PARAGRAPH THREE: At all times relevant herein the Respondent was employed by Semac Electrical Contractors, New Britain, Connecticut. PARAGRAPH FOUR: At all times relevant herein, the Respondent did not possess a certificate, license or registration issued by this Board to engage in electrical work in the State of Connecticut. PARAGRAPH FIVE: On or about October 24, 2001, the Respondent engaged in electrical work in Manchester and surrounding areas in the State of Connecticut which required a license pursuant to Chapter 393 of the Connecticut General Statutes. PARAGRAPH SIX: On or about October 24, 2001 the Respondent performed electrical work on a job site at Manchester Community College, 60 Bidwell Street, Manchester, Connecticut.

Conclusion:

The Board found the respondent guilty of the violations cited in the complaint.

Finding of Facts (Motion 1):

Board Member Douglas Reid made a motion to issue an Immediate Order of Discontinuance and a Civil Penalty of \$1,000.00 for performing electrical work with an expired licensed, and that William Herlth exchange his E-1 contractor's license for an E2 license, because he is not currently employed. Should he go into business and request his E-1 be returned to him, he must contact the Department to have it re-issued. The Board also ruled that the Final Decision and Order reflect this language. The motion was seconded by Board Member Jack Halpert. The motion was rescinded and a new motion was made.

Finding of Facts (Motion 2):

Board Member Beverly Ceuch made a motion to issue an Immediate Order of Discontinuance and a Civil Penalty of \$500.00 for performing electrical work with an expired licensed, and that William Herlth exchange his E-1 contractor's license for an E-2 license, because he is not currently employed. Should he go into business and request his E-1 be returned to him, he must contact the Department to have it re-issued. The Board also ruled that the Final Decision and Order reflect this language. The motion was seconded by Board Member Jack Halpert. The motion failed. (Board Members Halpert, Turri, Ceuch and Reid were in favor of the motion. Board Members Vallieres, Muthersbaugh, Leech and Johnson were opposed to the motion.)

Finding of Facts (Motion 3):

Board Member Roger Johnson made a motion to issue an Immediate Order of Discontinuance and a Civil Penalty of \$1,000.00 for performing electrical work with an expired licensed, and that William Herlth exchange his E1 contractor's license for an E-2 license, because he does not own an electrical contracting business. Should he qualify to have his E-1 returned to him, he must contact the Department to have it re-issued. The Board also ruled that the Final Decision and Order reflect this language. The motion was seconded by Board Member Kenneth Leech. The motion carried. (Board Members Vallieres, Muthersbaugh, Leech, Halpert, and Johnson were in favor of the motion. Board Members Turri, Ceuch and Reid were opposed to the motion.)

Final Decisions and Orders Presented and were Signed:

The following Final Decisions and Orders were submitted by France Lee, DCP Paralegal, to Chairman Laurence Vallieres:

None

Final Decisions and Orders Presented and were not Signed:

None

There being no further business, a motion was made by Board Member Michael Muthersbaugh to adjourn the meeting.

The motion was seconded by Board Member Raymond Turri.

The motion carried unanimously.

The meeting adjourned at 11:55 a.m.

Respectfully submitted,

Judith R. Booth, Board Secretary